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| 10/553,553 | 08/21/2006 | Stefan Frits Brouwer | 65529-003 | 1858 |

26127 7590 02/20/2008
DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304-5086

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| EXAMINER |
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DOAK, JENNIFER L

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| ART UNIT | PAPER NUMBER |
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2872

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02/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/553,553 | Applicant(s) BROUWER ET AL. | |
| | Examiner JENNIFER L. DOAK | Art Unit 2872 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-34 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. Specifically, statements concerning the general type or nature of the entire system or its components that are common to most other similar systems that are known in the art do not suggest the point of novelty, to which the title should at least allude. Although statements of general system types and so forth are important for contextualizing the novelty, the title should also be directed to encompass what Applicant considers as the point of novelty claimed. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

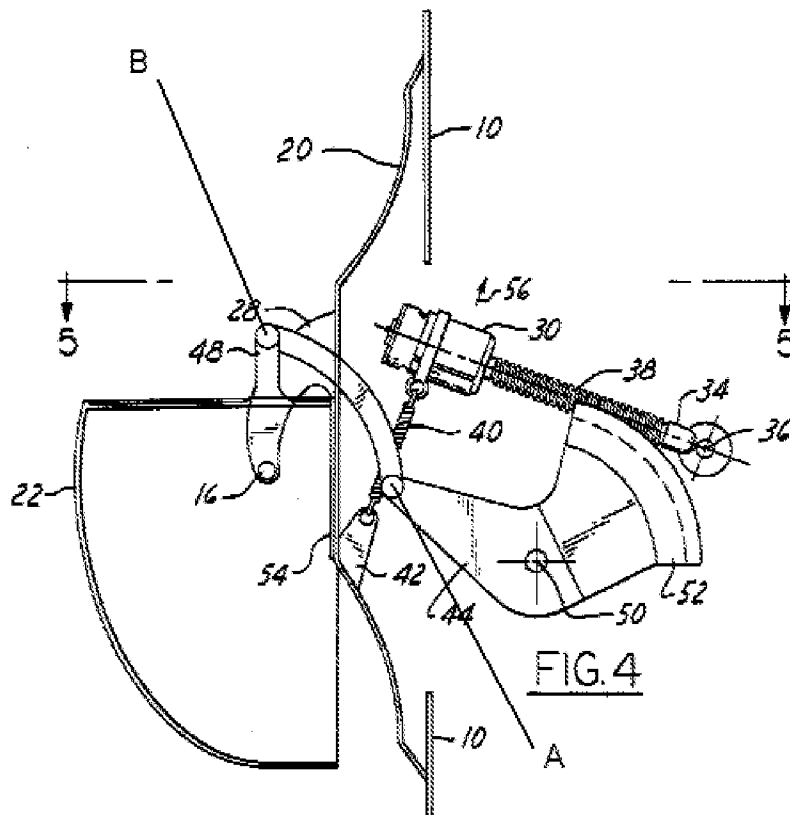
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 2872

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-23 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall (US 5940230) in view of McKee (US 4609265).

Regarding claim 11, Examiner makes the following findings of fact: Crandall discloses a wing mirror unit (Figs. 3, 4) for a vehicle, comprising: a base plate (20); a supporting frame (22) pivotally connected to the base plate (20) about a main pivot (Examiner Identified element B, see below) and an auxiliary pivot (Examiner identified element A);



and an actuator (30, 38, 52) including an engaging part (38, 52) connected to the supporting frame (22), the actuator connected to the main pivot (B) and configured to move the main pivot (B) in a path further outwardly from said vehicle than the auxiliary pivot (A); wherein the supporting frame (22) is pivotal with respect to the base plate between a folded orientation, in which the supporting frame substantially abuts along a body (Fig. 4) of said vehicle, and an unfolded orientation (Figs. 3 and 4), in which the supporting frame is substantially oriented transversely to the body of said vehicle (Figs. 3 and 4); and further wherein the engaging part (38, 52) is adjustable between a first orientation located near the body of said vehicle and a second orientation located farther outward with respect the body of said vehicle (Figs. 3 and 4). Crandall does not teach that the main pivot moves in a linear path. Crandall and McKee are related as side-view mirrors. McKee teaches linear translation of a pivot joint (Fig. 6). The benefit of this arrangement is the accommodation a shorter motor shaft.

Therefore, Examiner concludes that it would have been obvious to an ordinarily skilled artisan at the time of invention to provide the invention of Crandall with linear translation of a joint as in McKee so as to accommodate a shorter motor shaft for any number of purposes including cost of parts or size accommodation design.

Further regarding claim 25, all elements previously addressed with respect to claim 11 and coincident with claim 25 are hereby incorporated. The combination further discloses that an actuator (Crandall, 30, 38, 52) including an engaging part (38, 52) that operatively engages the supporting frame (Figs. 3 and 4); wherein the means for pivoting the supporting frame (22) includes a main pivot for pivoting the supporting frame from a folded orientation to an unfolded orientation (Figs. 3 and 4 transition), and an auxiliary pivot (A) for pivoting the supporting frame

Art Unit: 2872

(22) with respect to the base plate (20), and the main pivot (B) is configured to move in a linear path further outwardly from said vehicle than the auxiliary pivot (accomplished by the combination as described above).

Further regarding claim 32, all elements previously addressed with respect to claims 11 and 25 and coincident with claim 32 are hereby incorporated. The combination further discloses an actuator (Crandall, Fig. 4: 30, 38, 52) including an engaging part (38, 52); a supporting frame (22) pivotally connected to the actuator (30, 38, 52) about a main pivot (44, 46, 48) and pivotally connected to the base plate (20) about an auxiliary pivot (28, 16); wherein the engaging part (38, 52) supports the main pivot (44, 46, 48) and the position of the main pivot is adjustable inwardly and outwardly with respect to the body of said vehicle (Figs. 3 and 4) such that the main pivot point is configured to move from a position that is closer than the auxiliary pivot to said vehicle to a position that is further outwardly from said vehicle than the auxiliary pivot (as set forth above).

Regarding Claims 12-14, 16, 19-23, 26-29, 31, and 33, the aforementioned combination further discloses including a main pivot (44, 46, 48) for pivoting the supporting frame (22) from the unfolded orientation to an emergency folded orientation (Fig. 4); the main pivot is adjustable transversely to the body of said vehicle between the first orientation and the second orientation (Figs. 3 and 4) (i.e. the transition between Figs. 3 and 4); the engaging part (38, 52) supports the main pivot (44, 46, 48); the actuator adjusts the engaging part towards and away from the base plate (Figs. 3 and 4) (i.e. the transition between Figs. 3 and 4); an auxiliary pivot (28, 16) that is disconnectably anchored or attached to the base plate or the supporting frame (22); an auxiliary pivot (28, 16) with respect to the base plate (20) when the actuator (30, 38, 52) adjusts between

Art Unit: 2872

the folded orientation and the unfolded orientation (Figs. 3 and 4); the engaging part is configured with some play with respect to the actuator (Fig. 6); the engaging part (30, 52), to overcome a dead center during an adjustment, can pivot by some degrees (Figs. 3, 4, 6); the actuator includes a driving arm (44, 46, 48, 38, 52); and the supporting frame (22) is pivotal with respect to the base plate (10) between a folded orientation (Fig. 4), in which the supporting frame substantially abuts along the body of said vehicle (Fig. 4), and an unfolded orientation (Fig. 3), in which the supporting frame is substantially oriented transversely to the body of said vehicle (Fig. 3).

Regarding Claim 15, the combination does not explicitly disclose that the actuator is electric. However, electric actuators are well known in the art and since no mechanism is disclosed to run the motor (30) by hand, gas-power, solar power, or nuclear power, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electric actuator, since the disclosed actuator must inherently be electric or an electric actuator would be an art recognized equivalent.

Regarding Claims 17-18 and 30, the combination discloses that the driving arm (44, 46, 48, 38, 52) forms the engaging part (38, 52). The combination does not disclose that the actuator is a linear actuator including a driving arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a linear actuator in Crandall's mirror system, since it is an art recognized equivalent of the motor driving system disclosed.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. DOAK whose telephone number is (571)272-9791. The examiner can normally be reached on Mon-Thur: 7:30A-5:00P, Alt Fri: 7:30A-4:00P (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

2/12/08

/Stephone B. Allen/

Supervisory Patent Examiner, Art Unit 2872